

★ JUN 14 2011 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

X

BROOKLYN OFFICE

LORNA MANSOUR and  
KENNETH VAPHIDES,

Plaintiffs,

-against-

CITY OF NEW YORK; NEW YORK CITY  
POLICE DEPARTMENT,

Defendants.

X

**TOWNES, United States District Judge:**

**MEMORANDUM  
AND ORDER**  
11-CV-02643 (SLT)(LB)

On May 26, 2011, plaintiffs Lorna Mansour and Kenneth Vaphides, filed this *pro se* action pursuant to 42 U.S.C. § 1983 alleging that the defendant violated their constitutional rights during a March 3, 2010 Staten Island, New York, arrest and imprisonment. Plaintiffs request to proceed *in forma pauperis*. Plaintiff Vaphides request to proceed *in forma pauperis* is denied, and the Court directs that he remit the filing fee in order to proceed with this civil action. Plaintiff Mansour's application to proceed *in forma pauperis* under 28 U.S.C. § 1915 is hereby granted.

**I. Plaintiff Vaphides**

Under 28 U.S.C. § 1914, the filing fee to commence a civil action is \$350. Under 28 U.S.C. § 1915, the Court may waive the filing fee upon finding a plaintiff indigent. In his request to proceed *in forma pauperis*, Vapides states that he is currently employed and that he earns \$1200-\$1400 per month. His expenses for child support and rent total \$561 per month.

The Court finds that Plaintiff's financial declaration does not support a showing of

indigency. Thus, the Court declines to grant *in forma pauperis* status.

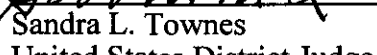
The Court directs plaintiff Vaphides to pay the filing fee of \$350 to the Clerk of Court of the Eastern District of New York within fourteen (14) days from the date of this Order. If plaintiff fails to submit the filing fee within the time allowed, he will be dismissed from the action.

### **Conclusion**

Plaintiff Mansour's application to proceed *in forma pauperis* under 28 U.S.C. § 1915 is granted, and Plaintiff Vaphides' application is denied. Accordingly, the Court directs Vaphides to pay the filing fee of \$350 to the Clerk of Court of the Eastern District of New York within fourteen (14) days from the date of this Order. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

s/Sandra L. Townes

  
Sandra L. Townes  
United States District Judge

Dated: Brooklyn, New York  
June 7, 2011